

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF OHIO**  
**COLUMBUS DIVISION**

ANTHONY FRANCHI, Individually and On	)	
Behalf of All Others Similarly Situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:17-cv-00961-MHW-CMV
	)	
BOB EVANS FARMS, INC., DOUGLAS N.	)	JURY TRIAL DEMANDED
BENHAM, CHARLES M. ELSON, MARY	)	
KAY HABEN, DAVID W. HEAD,	)	CLASS ACTION
KATHLEEN S. LANE, EILEEN A.	)	
MALLESCH, LARRY S. MCWILLIAMS,	)	
KEVIN M. SHEEHAN, J. MICHAEL	)	
TOWNSLEY, MICHAEL F. WEINSTEIN,	)	
PAUL S. WILLIAMS, POST HOLDINGS,	)	
INC., and HAYSTACK CORPORATION,	)	
	)	
	)	
Defendants.	)	
	)	

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(A)(1)**

WHEREAS, on October 31, 2017, plaintiff commenced this action alleging defendants violated Sections 14(a) and 20(a) of the Securities Exchange Act of 1934;

WHEREAS, subsequent to the filing of this action, defendants took steps that mooted the claims asserted in plaintiff's complaint (the "Mooting Actions");

WHEREAS, as part of the agreement with defendants to obtain the Mooting Actions, plaintiff agreed to dismiss this action with prejudice as to himself and without prejudice to the putative class;

WHEREAS, plaintiff believes that, as a result of the Mooting Actions, he has conferred a common corporate benefit on the stockholders of defendant Bob Evans Farms, Inc. such that his

counsel are entitled to seek and recover attorneys' fees and expenses (the "Fee and Expense Claim");

WHEREAS, counsel for plaintiff and defendants have conducted negotiations and successfully resolved the Fee and Expense Claim; and

WHEREAS, no class has been certified;

**NOW, THEREFORE, PLEASE TAKE NOTICE** that, pursuant to Fed. R. Civ. P. 41(a)(1)(A), plaintiff Anthony Franchi and his counsel hereby give notice that the above-captioned action is voluntarily dismissed, with prejudice as to plaintiff and without prejudice as to all other members of the putative class. Defendants have filed neither an answer nor a motion for summary judgment in the Action. Except as otherwise agreed, each party shall bear its own costs.

Dated: February 9, 2017

By: **LAW OFFICES OF JOHN C.  
CAMILLUS, LLC**

*/s/ John C. Camillus*

---

John C. Camillus  
P.O. Box 141410  
Columbus, OH 43214  
Telephone: (614) 558-7254  
Email: jcamillus@camilluslaw.com

**OF COUNSEL:**

**RIGRODSKY & LONG, P.A.**

Brian D. Long  
300 Delaware Avenue, Suite 1220  
Wilmington, DE 19801  
Telephone: (302) 295-5310

*Attorneys for Plaintiff*

**RM LAW, P.C.**

Richard A. Manisaks  
1055 Westlakes Drive, Suite 300  
Berwyn, PA 19312  
Telephone: (484) 324-6800

**CERTIFICATE OF SERVICE**

I hereby certify that February 9, 2018, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

/s/ John C. Camillus